## REMARKS

Entry of this Preliminary Amendment before continued examination of the instant application is respectfully requested. Upon entry of this Amendment, claims 1-3, 7, 9-11, 13, and 16-22 remain in the application. New claim 23 has been added herein. Support for this new claim may be found throughout the application as filed, at least at page 11, lines 12-18. Reconsideration of the claims is respectfully requested.

Status of the claims: Claims 1-3, 9, 11, 13, 17, 20, and 22 stood rejected (in the Final Office Action of March 17, 2009) under 35 U.S.C. § 102(b); Claims 7, 10, 16, 18, 19 and 21 stood rejected (in the Final Office Action of March 17, 2009) under 35 U.S.C. § 103(a).

In particular, claims 1-3, 9, 11, 13, 17, 20, and 22 stood rejected (in the Final Office Action of March 17, 2009) under 35 U.S.C. § 102(b) as being anticipated by Rieser, et al. (U.S. Patent App. Publication No. 2001/0034223). The Examiner asserts that Rieser discloses all of the elements of independent claims 1, 11, and 17.

Applicant respectfully disagrees with the Examiner's assertion stated above. The system defined in independent claims 1 and 17 recite, in some form, ***a transient memory storage*** located within the vehicle and in communication with the key device, where the transient memory storage is configured to i) receive a transmission of the encryption code from the key device, and ii) ***temporarily store the encryption code***. The method defined in independent claim 11 recites, "transmitting the encryption code from the key device to a ***vehicle storage unit*** and ***temporarily storing*** the transmitted encryption code in the vehicle storage unit" (emphasis added).

Rieser discloses a method and system for providing location dependent and personal identification information to a public safety answering point. The method and system uses a small hand-held device (a personal security transmitter 105) that may be quickly and easily activated by an individual in need of help and provides public safety personnel (e.g., police) with at least the individual's location and personal identification information (see, e.g., paragraph [0007] of Rieser). In an example, the personal security transmitter sends a transmission signal packet ***upon activation***, which is received by a base station (e.g., mounted in a police vehicle). (See paragraphs [0029] and [0075] of Rieser.) Upon receiving the

transmission signal packet, *the base station generates a base station packet and transmits the base station packet to a command center.* Rieser further discloses that the base station transmits the base station packet (generated from the transmission signal packet received from the personal security transmitter) to the command center, which processes the packet information to alert personnel that *a call for assistance has been received.* (See paragraph [0029] of Rieser.) Applicant submits that Rieser does ***not*** disclose or even suggest that that the transmission signal packet is temporarily stored in a storage unit located within the base station (as similarly recited in claims 1, 11, and 17).

Applicant further submits that the Rieser disclosure is directed to a security communications system for a college campus (see paragraph [0003]). As evident by the portions of Rieser cited above, it is submitted that such security communications system is an on-demand system. For instance, a call for assistance is made by activating the personal security transmitter. To reiterate from above, upon activating the personal security transmitter, a transmitter identification number (which may be used to identify the transmitter sending the transmission) is sent to the base station, which processes the transmission and sends it to the command center. In other words, the transmitter identification number is sent to the base station ***at the time*** the emergency event occurs. This is in sharp contrast to Applicant's system (as defined in claims 1 and 17) and method (as defined in claim 11), whereby the encryption code is transmitted to and temporarily stored in the storage unit in the vehicle ***prior to*** an emergency event. As such, when an emergency event occurs, the encryption code may be retrieved from the storage unit and transmitted to a call center (via, e.g., an in-vehicle telematics unit). Independent claims 1, 11, and 17 have therefore been amended herein to clarify this distinction.

For the reasons stated above, Applicant submits that Rieser *fails* to disclose all of the elements of amended claims 1, 11, and 17. As such, it is submitted that Applicant's invention as defined in independent claims 1, 11, and 17, as well as in those claims depending therefrom, is not anticipated, taught or rendered obvious by Rieser, and patentably defines over the art of record.

Claims 16 and 19 stood rejected (in the Final Office Action of March 17, 2009) under 35 U.S.C. § 103(a) as being unpatentable over Rieser in view of McCalmont, et al. (U.S. Patent App. Publication No. 2003/0109245). For the reasons stated above, Applicant submits that Rieser *fails* to disclose all of the elements of independent claims 1 and 11, from which claims 19 and 16 depend, respectively. Applicant further submits that McCalmont *fails* to supply the deficiencies of Rieser. Accordingly, it is submitted that the combination of Rieser and McCalmont *fails* to render obvious claims 19 and 16, at least because of their dependency from claims 1 and 11, respectively. As such, it is submitted that Applicant's invention as defined in claims 16 and 19 is not anticipated, taught, or rendered obvious by Rieser and McCalmont, either alone or in combination, and patentably defines over the art of record.

Claims 7, 10, 18, and 21 stood rejected (in the Final Office Action of March 17, 2009) under 35 U.S.C. § 103(a) as being unpatentable over Rieser in view of Treyz, et al. (U.S. Patent No. 6526335). For the reasons stated above, Applicant submits that Rieser *fails* to disclose all of the elements of independent claim 1 (from which claims 7 and 10 depend), independent claim 11 (from which claim 21 depends), and independent claim 17 (from which claim 18 depends). Applicant further submits that Treyz *fails* to supply the deficiencies of Rieser. As such, it is submitted that the combination of Rieser and Treyz *fails* to render obvious claims 7, 10, 18, and 21 at least because of their dependency from one of claims 1, 11, and 17.

Furthermore, claim 21 recites that after the encryption code is stored in the key device, the method further includes initiating an ignition cycle of the vehicle. The Examiner cites column 23, lines 23-55 of Treyz, stating that Treyz discloses this limitation. A careful reading of the cited portion of the Treyz reference actually reveals the fact that Treyz discloses a wireless key chain device that may include distinct buttons to form various functions such as, e.g., to start a vehicle engine (see column 23, lines 41-52). It is submitted that such teaching does not render obvious that after an encryption code is stored in the wireless key chain device, the ignition cycle of the vehicle is initiated.

For the reasons provided above, it is submitted that Applicant's invention as defined in claims 7, 10, 18, and 21 is not anticipated, taught, or rendered obvious by Rieser and Treyz, either alone or in combination, and patentably defines over the art of record.

In summary, claims 1-3, 7, 9-11, 13, and 16-22 remain in the application, and new claim 23 has been added herein. It is submitted that, through this Amendment, Applicant's invention as set forth in these claims is in a condition suitable for allowance.

Further and favorable consideration is requested. If the Examiner believes it would expedite prosecution of the above-identified application, the Examiner is cordially invited to contact Applicant's Attorney at the below-listed telephone number.

Respectfully submitted,

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